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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

/J.E./ Applicant : Kitagawa, Harukazu et al. Confirmation No. 7304
10/01/2009 Application No. : 10/590,761
 Filed : August 24, 2006
 Title : AN IMMUNOSTIMULATORY OLIGONUCLEOTIDE THAT INDUCES
 INTERFERON ALPHA

 Grp./Div. : 1633
 Examiner : Epps Smith, Janet L.

 Docket No. : 58270/A400

DECLARATION OF HARUKAZU KITAGAWA UNDER 37 CFR 1.132

Commissioner for Patents
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Commissioner:

I, Harukazu Kitagawa, a resident of Sakai-gun, Fukui, Japan, declare and state as follows:

1. I am a named inventor of the invention disclosed and claimed in the subject patent application, U.S. Patent Application Serial No. 10/590,761. I received a Doctor of Philosophy degree in Infection immunology from the Fukui Medical University in 1990. I have been employed by EMORI & CO., LTD since May, 2000. My responsibilities include research in oligonucleotides and Infection immunology, and I consider myself an expert in this area.
2. I am familiar with European Patent Application No. 468520 A2 (Tokunaga et al.) and International Patent Publication WO 2002/02172 A1 (Kaji et al.), which have been cited by the patent examiner of the United States Patent and Trademark Office against the subject patent application.
3. Tokunaga et al. describes 6- to 80-chain length sequences centering on the GACGTC base sequence as a palindrome structure. Among these, many 30-chain length sequences are described, but the guanine (G) addition is not investigated.
4. Kaji et al. investigate 4- to 14-chain length sequences centering on 6-chain length AACGTT as a palindrome sequence. Among those investigated, the sequences comprising the